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12 Attorneys for Plaintiff

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA, } CR No. 08-70879 EMC
17 Plaintiff, } STIPULATION AND [PROPOSED] ORDER
18 v. } WAIVING TIME UNDER FED. R. CRIM. P.
19 MARIO JUAREZ, } 5.1 and EXCLUDING TIME UNDER 18
20 Defendant. } U.S.C. § 3161

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22 This is the fourth request to extend the time for the preliminary hearing under Federal Rule
23 of Criminal Procedure 5.1, to extend the 30-day time period for indictment and exclude time
24 under the Speedy Trial Act.

25 The parties request a further extension until May 15, 2009. With the agreement of the parties
26 the Court enters this order setting a new preliminary hearing date of May 15, 2009 at 9:30 a.m.
27 before the duty magistrate judge, extending the time for the preliminary hearing under Federal
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FILED
MAR 31 2009
RICHARD W. CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Rule of Criminal Procedure 5.1, extending the 30-day time period for indictment and excluding
2 time under the Speedy Trial Act from March 31, 2009 to May 15, 2009. The parties agree, and
3 the Court finds and holds, as follows:

4 1. The production and review of discovery is currently ongoing. Only after evaluating the
5 evidence will counsel be in a position to evaluate any disposition. Counsel believes it is in her
6 client's best interest to negotiate the case pre-indictment, and she cannot do that without
7 evaluating the evidence.

8 2. Taking into account the public interest in the prompt disposition of criminal cases, the
9 parties agree, and the Court holds, that these grounds are good cause for further extending the
10 time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and
11 extending the 30-day time period for indictment.

12 3. Failure to grant an exclusion of time for the requested continuance would deny counsel
13 for defendant the reasonable time necessary for effective preparation of counsel. 18 U.S.C. §
14 3161(h)(8)(B)(iv). Therefore, the Court finds that a further exclusion of time from March 31,
15 2009 to May 15, 2009, is warranted because the ends of justice served by the exclusion of time
16 outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §
17 3161(h)(8)(A).

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1 4. Accordingly, and with the consent of the defendant, the Court (1) vacates the March 31,
2 2009 preliminary hearing date and sets a preliminary hearing date before the duty magistrate
3 judge on May 15, 2009 at 9:30 a.m., and (2) orders that the period from March 31, 2009 to May
4 15, 2009, be excluded from the time period for preliminary hearings under Federal Rule of
5 Criminal Procedure 5.1 and from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A)
6 & (B)(iv).

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8 STIPULATED:

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10 DATED: March 30, 2009

/s
RITA BOSWORTH
Attorney for Mario Juarez

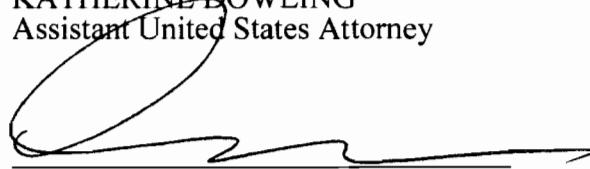
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12 DATED: March 30, 2009

/s
KATHERINE DOWLING
Assistant United States Attorney

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14 IT IS SO ORDERED.


HON. EDWARD M. CHEN
United States Magistrate Judge

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